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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO |
|---|-------------|----------------------------------|-------------------------|-----------------|
| 09/937,238 | 01/29/2002 | Mechteld Geertruida Maria Rutten | 702-011472 | 6232 |
| 7590 10/21/2003 | | | EXAMINER | |
| Richard L Byrne | | | PASCUA, JES F | |
| 700 Koppers Building 436 Seventh Avenue | | | ART UNIT | PAPER NUMBER |
| Pittsburgh, PA 15219-1818 | | | 3727 | 16 |
| | | | DATE MAILED: 10/21/2003 | |

Please find below and/or attached an Office communication concerning this application or proceeding.

| Office Action Summary Compared to the property of the prope | | | Application No. | Applicant(s) | | | | |
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| Examinor | | | | | | | | |
| Examinar Just F. Pascua 3727 | | | 09/937,238 | | | | | |
| The MAILING DATE of this communication appears on the cover sheet with the correspondence address — Period for Reply A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE g MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION. Edenations the map be available addre to provide and of 3 CFR 1.13(a). In or event, however, may a reply be timely filled and the provided and common of 3 CFR 1.13(a). In or event, however, may a reply be timely filled and the provided and the provid | | Office Action Summary | Examiner | | | | | |
| A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 2 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION. Extensions of time may be available under the prostince of 37 CFR 1.136(a). In no event, however, may a reply be limited filled. Extensions of time may be available under the prostince of 37 CFR 1.136(a). In no event, however, may a reply be limited filled. Extensions of time may be available under the prostince of 37 CFR 1.136(a). In no event, however, may a reply be limited filled. Extensions of time may be available under the prostince of 37 CFR 1.136(a). In no event, however, may a reply be limited filled. Extensions of time may be available under the prostince of 37 CFR 1.136(a). In no event, however, may a reply be limited filled. Extensions of time may be available under the prostince of 37 CFR 1.136(a). In no event, however, may a reply be limited filled. Extensions of time may be available under the prostince of 37 CFR 1.136(a). In no event, however, may a reply be limited filled. Extensions of time may be available under the prostince of the second available of 58 (a) MoNTHS from the mailing date of this communication. Falses to wait the control of 18 control | | | Jes F. Pascua | 3727 | | | | |
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| 1) Responsive to communication(s) filed on 24 September 2003. 2a) This action is FINAL. 2b) This action is non-final. 3 Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under Ex parte Quayle, 1935 C.D. 11, 453 O.G. 213. Disposition of Claims 4) Claim(s) 12:21 is/are pending in the application. 4a) Of the above claim(s) is/are withdrawn from consideration. 5) Claim(s) 12:21 is/are rejected. 7) Claim(s) is/are objected to. 8) Claim(s) are subject to restriction and/or election requirement. Application Papers 9) The specification is objected to by the Examiner. 10) The drawing(s) filed on is/are: a ceepted or b objected to by the Examiner. Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a). 11) The proposed drawing correction filed on is: a objected to by the Examiner. If approved, corrected drawings are required in reply to this Office action. 12) The oath or declaration is objected to by the Examiner. Priority under 35 U.S.C. §§ 119 and 120 13) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f). a) All b) Some * c) None of: 1. Certified copies of the priority documents have been received in Application No. 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)). * See the attached detailed Office action for a list of the certified copies not received. 14) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application). a) The translation of the foreign language provisional application has been received. 15) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 120 and/or 121. | THE MAILING DATE OF THIS COMMUNICATION. - Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication. - If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely. - If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication. - Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). - Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any | | | | | | | |
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Application/Control Number: 09/937,238

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DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 8/27/03 has been entered.

Claim Rejections - 35 USC § 112

- The following is a quotation of the second paragraph of 35 U.S.C. 112:
 The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.
- 3. Claims 13-19 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claims 13-19 are confusing because they depend from dependent claim 14.

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

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5. Claims 12, 13, 14, 16, 17, 18, 19, 20 and 21 are rejected under 35 U.S.C. 102(b)

as being clearly anticipated by Strenger.

6. Claims 12, 13, 15, 17, 19, 20 and 21 are rejected under 35 U.S.C. 102(b) as

being clearly anticipated by Heyden.

Response to Arguments

7. Applicant's arguments with respect to claims 12-21 have been considered but are

moot in view of the new ground(s) of rejection.

Any inquiry concerning this communication or earlier communications from the

examiner should be directed to Jes F. Pascua whose telephone number is 703-308-

1153. The examiner can normally be reached on Mon.-Thurs...

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Lee W. Young can be reached on 703-308-2572. The fax phone number for

the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or

proceeding should be directed to the receptionist whose telephone number is 703-308-

1078.

Jes F. Pascua

Primary Examiner

Art Unit 3727

JFP

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